

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRIDINETWORKS LTD.,

Plaintiff,

v.

NXP-USA, INC. and NXP B.V.,

Defendants.

No. 1:19-01062-CFC-CJB

TRIDINETWORKS LTD.,

Plaintiff,

v.

SIGNIFY NORTH AMERICA
CORPORATION and SIGNIFY
NETHERLANDS B.V.,

Defendants.

No. 1:19-01063-CFC-CJB

TRIDINETWORKS LTD.,

Plaintiff,

v.

STMICROELECTRONICS, INC., and
STMICROELECTRONICS
INTERNATIONAL N.V., AND DOE-1
d/b/a “STMICROELECTRONICS,”

Defendants.

No. 1:19-01064-CFC-CJB

**DECLARATION OF RONALD ABRAMSON IN OPPOSITION TO DEFENDANTS’
MOTION TO STRIKE SUPPLEMENTAL EXPERT DECLARATION**

RONALD ABRAMSON declares as follows under penalty of perjury.

1. I am one of the attorneys for the Plaintiff in the above-captioned cases, TriDiNetworks Ltd.
2. On February 2, 2021 I received an email from Kristoffer Leftwich, attorney for the Defendants in the ST case identified above, raising concerns about the timing of a supplemental declaration Plaintiff served, from the technical expert, Prof. Anthony Rowe.
3. On February 4, 2021, lead counsel, with Delaware counsel for all parties in the above-captioned actions in attendance, met and conferred on the matter by telephone.
4. Mr. Leftwich took the lead for all three Defendants.
5. During the call, after voicing Defendants' concerns about the timing of Plaintiff's expert's supplemental declaration, Mr. Leftwich proposed, to me and my co-counsel on the call, Alex Patchen, Ari Jaffess, and David Finger, that the matter be resolved by agreeing to give leave to Defendants to submit a further supplemental declaration from their expert.
6. I responded that this sounded like a fair resolution, and I asked Mr. Patchen if he agreed. Mr. Patchen agreed, and I accordingly confirmed Plaintiffs' agreement to Mr. Leftwich.
7. Another one of the Defendants' counsel thereupon suggested that since this agreement could be seen as an addition or modification to the existing Court-established schedule, we would all do best to formalize the agreement we had just reached in a written stipulation for the Court's approval. Defendants' counsel agreed to prepare and circulate this stipulation.
8. The next day (February 5), at 4:50 p.m., I received an email from Christine Haynes, another counsel for Defendants. There was no stipulation, as agreed on the previous day's call. Rather, to my surprise, the email stated: "Following up on the meet and confer, we do

not agree that a supplemental declaration can cure the prejudice to Defendants caused by TDN's failure to abide by the Scheduling Order. Defendants will be moving to strike the February 1 Rowe Declaration." In other words, the Defendants, without further discussion, reneged on the previously reached agreement. By 8:30 pm that same day we were served with Defendants' motion to strike.

9. The motion served on February 5 stated: "When the parties met and conferred about TDN's untimely supplemental expert declaration, TDN offered to stipulate that Defendants may serve a further rebuttal to TDN's new supplemental expert declaration." D.I. 60 (in the first case above, 19-cv-01062) at 4. This was a false statement, in that it was *Defendants* that made this offer and the Plaintiff who had accepted it, and Defendants proposed and the parties mutually agreed that Defendants would circulate a stipulation to that effect.

10. The Court struck the motion on procedural grounds.

11. Defendants refiled their motion in letter form, and again to my surprise the re-filed motion contained the same false statement as the original motion, with regard to the alleged "offer" by TDN, which the Defendants' now claim to have never accepted. D.I. 63 at 1.

12. On February 9 I brought to Ms. Haynes attention, via an email attached hereto as Exhibit A, the fact that Defendants' motion contained a factual misstatement, and asked that Defendants correct the statement. As can also be seen in Exhibit A, Ms. Haynes refused my request.

13. Ms. Haynes' responding email further stated that Defendants will address this matter in reply. I respectfully submit that the facts permit no room to claim there was no agreement in the February 4 meet and confer, or to characterize what occurred as a proposal by

Plaintiff that the Defendants never accepted. To the contrary, it was *Defendants'* proposal, which Plaintiff accepted, on the call.

14. Defendants' submission cannot be explained as a misunderstanding. Too many people witnessed the discussion in the meet and confer, which clearly ended with very simple, straightforward agreement.

15. While it is a difficult decision to call opposing counsel on their conduct in a matter like this, however it may be characterized, in my view the situation was handled poorly by Defendants' counsel. At a minimum, the matter merited further discussion before counsel went with such a disputed account of events, as if nothing were out of line.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 16, 2021.

/s/ Ronald Abramson
Ronald Abramson

Exhibit A

From: [Haynes, Christine D.](#)
To: [Ronald Abramson](#); "[dfinger@delawgroup.com](#)"; [Alex G. Patchen](#); [David G. Liston](#); [M. Michael Lewis](#); [Ari J. Jaffess](#)
Cc: [Moyer, Jeffrey L.](#); [Li Chen](#); [Kris Leftwich](#); [Farnan, Kelly E.](#); [Harper, Blaney](#); [kdorsney@morrisjames.com](#); [Oczek, Jeremy](#)
Subject: RE: Activity in Case . TriDiNetworks Ltd. v. STMicroelectronics, Inc., et al Motion for Miscellaneous Relief
Date: Tuesday, February 9, 2021 2:05:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Ron,

We disagree with your characterizations of the meet and confer and will address TDN's arguments in opposition to the motion in Defendants' reply.

Regards,
Christine

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From: Ronald Abramson <ron.abramson@listonabramson.com>
Sent: Tuesday, February 9, 2021 10:41 AM
To: Haynes, Christine D. <haynes@rlf.com>; 'dfinger@delawgroup.com' <dfinger@delawgroup.com>; [Alex G. Patchen <alex.patchen@listonabramson.com>](mailto:alex.patchen@listonabramson.com); [David G. Liston <david.liston@listonabramson.com>](mailto:david.liston@listonabramson.com); [M. Michael Lewis <michael.lewis@listonabramson.com>](mailto:michael.lewis@listonabramson.com); [Ari J. Jaffess <ari.jaffess@listonabramson.com>](mailto:ari.jaffess@listonabramson.com)
Cc: [Moyer, Jeffrey L. <moyer@RLF.com>](mailto:moyer@RLF.com); [Li Chen <Lchen@chenleftwich.com>](mailto:Lchen@chenleftwich.com); [Kris Leftwich <KLeftwich@chenleftwich.com>](mailto:KLeftwich@chenleftwich.com); [Farnan, Kelly E. <Farnan@RLF.com>](mailto:Farnan@RLF.com); [Harper, Blaney <bharper@JonesDay.com>](mailto:bharper@JonesDay.com); kdorsney@morrisjames.com; [Oczek, Jeremy <oczekjp@bsk.com>](mailto:oczekjp@bsk.com)
Subject: RE: Activity in Case . TriDiNetworks Ltd. v. STMicroelectronics, Inc., et al Motion for Miscellaneous Relief

Dear Christine,

Defendants' submission states:

"TDN offered to stipulate that Defendants may serve a further rebuttal to TDN's new supplemental expert declaration"

This is a misstatement of the meet and confer, and anyone on your side who was present on the call can confirm as much. Defendants initiated this offer, and TDN considered and accepted it on the call.

The meet and confer then ended, with both sides clearly acknowledging this agreement, and with Defendants' counsel stating that they would circulate a stipulation to formalize it.

The manner in which Defendants' obvious change of heart was communicated, and then followed by a motion based on a recitation that is contrary to fact, and an incomplete meet and confer on your motion, is unacceptable.

We have no choice but to point these misstatements and procedural infirmities to the Court in TDN's response. Please let us know if you wish to correct them on your own before we do so. As always, we are available for further discussion.

Best regards,

Ron Abramson

Ronald Abramson

direct: (212) 257-1643

ron.abramson@listonabramson.com

Bio | <https://www.listonabramson.com/>


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From: Haynes, Christine D. <haynes@rlf.com>

Sent: Monday, February 8, 2021 6:21 PM

To: 'dfinger@delawgroup.com' <dfinger@delawgroup.com>; Ronald Abramson <ron.abramson@listonabramson.com>; Alex G. Patchen <alex.patchen@listonabramson.com>; David G. Liston <david.liston@listonabramson.com>; Megan Leicht <megan.leicht@listonabramson.com>; M. Michael Lewis <michael.lewis@listonabramson.com>

Cc: Moyer, Jeffrey L. <moyer@RLF.com>; Li Chen <Lchen@chenleftwich.com>; Kris Leftwich <KLeftwich@chenleftwich.com>; Farnan, Kelly E. <Farnan@RLF.com>; Harper, Blaney <bharper@JonesDay.com>; kdorsney@morrisjames.com; Occek, Jeremy <occekjp@bsk.com>

Subject: FW: Activity in Case . TriDiNetworks Ltd. v. STMicroelectronics, Inc., et al Motion for Miscellaneous Relief

Counsel,

Attached please find a courtesy copy of Defendants' Motion to Strike Plaintiff's Untimely Supplemental Expert Declaration and the letter brief filed in support thereof.

Regards,
Christine

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Sent: Monday, February 8, 2021 6:07 PM

To: ded_ecf@ded.uscourts.gov

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District of Delaware

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Case Name: TriDiNetworks Ltd. v. NXP USA, Inc. et al.

Case Number: [1:19-cv-01062-CFC-CJB](#)

Filer:

Document Number: [62](#)

Docket Text:

[MOTION to Strike Plaintiff's Untimely Supplemental Expert Declaration - filed by](#)

STMicroelectronics International N.V., STMicroelectronics, Inc.. (Attachments: # (1) Text of Proposed Order, # (2) 7.1.1 Certification)Motions referred to Christopher J. Burke.(Moyer, Jeffrey)

Case Name: TriDiNetworks Ltd. v. Signify North America Corporation et al.

Case Number: [1:19-cv-01063-CFC-CJB](#)

Filer:

Document Number: [62](#)

Docket Text:

MOTION to Strike Plaintiff's Untimely Supplemental Expert Declaration - filed by STMicroelectronics International N.V., STMicroelectronics, Inc.. (Attachments: # (1) Text of Proposed Order, # (2) 7.1.1 Certification)Motions referred to Christopher J. Burke.(Moyer, Jeffrey)

Case Name: TriDiNetworks Ltd. v. STMicroelectronics, Inc., et al

Case Number: [1:19-cv-01064-CFC-CJB](#)

Filer: STMicroelectronics International N.V.
STMicroelectronics, Inc.

Document Number: [70](#)

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MOTION to Strike Plaintiff's Untimely Supplemental Expert Declaration - filed by STMicroelectronics International N.V., STMicroelectronics, Inc.. (Attachments: # (1) Text of Proposed Order, # (2) 7.1.1 Certification)Motions referred to Christopher J. Burke.(Moyer, Jeffrey)

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